

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,
Plaintiff,
v.

SALVADOR ABEYTA,
Defendant,

CR 05-1849 JH

MOTION TO MODIFY RELEASE CONDITIONS

Defendant, through undersigned counsel, hereby moves to modify the conditions of defendant's release on grounds set forth herein.

Defendant is presently incarcerated, subsequent to his being taken into custody for an alcohol related violation of his conditions of release. He has been in custody for approximately two months.

It is specifically requested that the Court order that Defendant be released to the third party custody of the LaPasada Halfway House in Albuquerque, subject to the rules of the facility, and that Defendant comply with all further directives of Pretrial Services concerning substance abuse counseling and continuous alcohol monitoring.

Assistant United States Attorney James Braun takes no position on this motion and simply defers to Pretrial Services. The undersigned has personally consulted Andrew Selph Defendant's supervising Pretrial Services Officer. He does not oppose this request and specifically suggested the aforementioned language regarding the proposed modifications of Defendant's release.

Dated this 19th of December, 2008.

By: /s Jason D. Lamm
Jason D. Lamm
1300 E. Missouri
Suite B200
Phoenix, Arizona 85014

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**CERTIFICATE OF SERVICE OF
MOTION TO MODIFY RELEASE CONDITIONS**

I certify that a copy of the above pleading was mailed to the attorney for the United States of America:

James Braun, Esquire
Assistant United States Attorney
P.O. Box 607,
Albuquerque, New Mexico 87103

And

Andrew Selpf
United States Pretrial Services
401 W. Washington
Phoenix, Arizona 85003

on December 18, 2008

/s Jason D. Lamm

Jason D. Lamm
Attorney for Defendant